REMARKS

Claims 1-18 were pending and presented for examination and in this application. In an Office Action dated December 6, 2010 claims 1-18 were rejected. Claims 5, 9, and 15 are cancelled and claims 1, 7, and 13 are amended in this Amendment and Response. No new claims are added.

In view of the Amendments herein and the Remarks that follow, reconsideration of all outstanding objections and rejections, and withdrawal of them, is now requested.

Specification Amendment and Response to Rejection Under 35 USC §101

Claims 1, 7, and 13-18 were previously amended to recite the phrase "non-transitory computer readable storage medium," in order to overcome the 35 USC §101 objections in an earlier office action. The 6th paragraph of the current Office Action includes an objection to previous amendments to claims 1, 7, and 13-18 as being unsupported by the specification. The specification is now amended to include explicit reference to "non-transitory computer readable storage medium."

Support for the amendment to the specification is found in the specification's reference to components such as "software tool" (see specification at [0012]) and "relational database" (see specification at [0025]), as well as its reference to processes such as "conversion of source code" (see specification at [0009]) and "application verification" (see specification at [0043]). As is well known to those with skill in the art, such components and processes are commonly implemented using computer programs running on computer hardware. Those skilled in the art are also familiar with the common practice of storing such computer programs in non-transitory, tangible computer readable storage media.

In light of the specification amendment described above, Applicants respectfully request that Examiner reconsider and withdraw all 35 USC §101 objections.

Response to Rejections Under 35 USC §103(a)

In the 8th paragraph of the Office Action, Examiner rejects claims 1-4, 7, 8, 11-14, 17 and 18 under 35 USC §103(a) as allegedly being unpatentable over Pastilha et al. (U.S. Patent No. 5,678,044) ("Pastilha") in view of Moore et al. (U.S. Publication No. 2004/0158820) ("Moore") and Lake et al. (U.S. Publication No. 2003/0220920) ("Lake").

In the 9th paragraph of the Office Action, Examiner rejects claims 5 and 6 under 35 USC §103(a) as allegedly being unpatentable over Pastilha, in view of Moore and Lake and further in view of Uchikawa et al. (U.S. Patent No. 6,330,553) ("Uchikawa").

These rejections are discussed together and for reasons articulated below the rejections are respectfully traversed.

Claim 1 of the application has been amended to now recite:

> a processing means for conversion of source code into a format of the
> target environment specification, using fuzzy rules...

Prior to this amendment, dependent claim 5 (cancelled) contained an equivalent claim element. The Office Action uses the Uchikawa reference in combination with Pastilha, Moore and Lake to reject claim 5 under 35 USC §103 (see Office Action, 9th paragraph). The Office Action argues that it would be obvious to one with ordinary skill in the art to include Uchikawa's teaching into the Pastilha invention modified by Moore and Lake, thus obtaining the claimed processing means for conversion of source code into a target format using fuzzy rules. Applicants respectfully disagree.

It is well understood that before the PTO can combine disclosures of two or more references in order to establish prima facie obviousness, there must be some suggestion for doing so in a way that leads to the Applicant's invention. See MPEP 2143.01 I. Here, the Office Action points to no instruction or direction in any cited reference for combining Uchikawa with Pastilha, Moore, and Lake in the manner proposed by the Applicant. The combination of Pastilha, Moore and Lake at most discloses a system for converting source code from one platform to another target platform, without any mention of the use of fuzzy rules. Although Uchikawa discloses a method in which an autonomic system is used to obtain fuzzy rules provided in the neural network, Uchikawa makes no mention of source code conversion or application conversion. Uchikawa only mentions object control and engine control as an objective (Uchikawa Col 2:44-60) and makes no reference, either explicit or implicit, to source code processing or conversion. None of the cited references make any attempt to describe how neural networks or fuzzy rules might be used in a source code conversion process in a manner as is claimed. That is, the mere existence of neural network techniques and fuzzy rules does not address how such a combination would operate in the particular context of how the fuzzy rules are now claimed to operate in the knowledge engine.

Thus, the Examiner's proposed assemblage of elements separately disclosed in Pastilha, Moore, Lake and Uchikawa, does not establish a prima facie case for obviousness. Such a proposed combination appears to constitute improper hindsight reconstruction using the instructions for doing so that are found only in Applicant's own disclosure. See MPEP 2142:

> The tendency to resort to "hindsight" based upon applicant's disclosure
> is often difficult to avoid due to the very nature of the examination

process. However, impermissible hindsight must be avoided and the
legal conclusion must be reached on the basis of the facts gleaned from
the prior art.

As described above, none of the cited references make any attempt to describe how
neural networks or fuzzy rules might be used in a source code conversion process and it is
only the Applicants' own disclosure which provides this information. Thus, it is respectfully
submitted that claim 1 as amended is now patentably distinguishable over the cited
references. Claims 7 and 13 have been similarly amended to include an equivalent claim
element to amended claim 1.

Conclusion

Based on the above amendments to 1, 7, and 13 and the remarks, Applicants
respectfully submit that for at least these reasons claims 1-4, 6, 7-8, 10-12, 13-14, and 16-18
are patentably distinguishable over the cited references. Therefore, Applicants respectfully
request that Examiner reconsider the rejection, and withdraw it.

Respectfully Submitted,

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